



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,002	02/26/2002	Jeffrey L. Allen	47089-00040	4279

30223 7590 04/23/2004

JENKENS & GILCHRIST, P.C.
225 WEST WASHINGTON
SUITE 2600
CHICAGO, IL 60606

EXAMINER

ONEILL, MICHAEL W

ART UNIT	PAPER NUMBER
----------	--------------

3713

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/083,002

Applicant(s)

ALLEN, JEFFREY L.

Examiner

Michael O'Neill

Art Unit

3713

-- The MAILING DATE f this communication appears n the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-13, drawn to the subcombination of a system for providing tournaments for players and grouping said players for tournament play, classified in class 700, subclass 91.
- II. Claims 14-30, drawn to the subcombination of a system for providing tournaments for player and awards for said players in the tournament, classified in class 463, subclass 42.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as of managing tournament play. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by

Art Unit: 3713

their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Timothy Kowalski on 4-19-04 a provisional election was made without traverse to prosecute the invention of Group II, claims 14-30. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-13 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 14-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al., USPN 5,779,549, in view of Moody, USPubNo 2002/0093136.

Re. claims 14-22: Walker et al. discloses a system (100) for providing tournaments among players of game devices. There are a plurality of game devices (104,106) identified as personal

Art Unit: 3713

computers, thus having keyboards and computer "mice" attached thereto. Said game devices are adapted for communication over a network (108), being PCs connected to a network requires at least a modem connection. The game devices communicate to at least one server (102) to which said server has access to databases storing player information and information pertaining to game tournament, see e.g. col. 5:32-40. What Walker et al. lacks in disclosing is the ability for the players to select awards from there personal computers via a web page. In analogous device, Moody teaches in an alternative embodiment toward the end of the disclosure a gaming machine could be configured to have real time access to the world wide web. Moody suggests that the gaming machine could be a personal computer connected to a virtual casino system, see para [0057]. In the preferred alternative embodiment, Moody describes the gaming machine connected to the web via a cable or modem connection, a typical connection for personal computers. Moody teaches that when a player wins a prize, the player then has access to a variety of gaming award sites, it is understood by those skilled in the art that web site and web page are synonymous. Each site has a plurality of awards or prizes that the player can select from. Moody provides this embodiment for reasons of described in paras. [0054]-[0056] which in sum

Art Unit: 3713

describe the benefits of allowing players to select awards off a web page; e.g., unlimited supply, color, selection, answering to a variety of player tastes and style, the operator or player not having to worry about running out of stock, etc. Therefore, one of ordinary skill in the art would find it obvious to combine the teachings of Moody of allowing players to select their awards instead of the system selecting the awards for the players with the tournament system found in Walker et al. for the beneficial reasons given in Moody, described above, when suggesting using the internet as a means to permit players a way to select awards.

Re. claims 23-30: These claims claim basically the same system except couched in terms of "award pool." When the claims are interpreted in light of the specification, an award pool is synonymous with award. Walker et al. discloses the many different types of tournament games that can be played which meet the claims that are directed to the type of game played, i.e. golf is disclosed in Walker and that game meets the limitations of a sports game or brief reaction game as broadly described. Similarly Walker et al. in col. 13 describes question and answer games which meets trivia and puzzle limitations and broad description within the instant specification. Further with respect to the statistic limitation

Art Unit: 3713

Walker et al. meets that limitation with the disclosure and teaching of the amount wagered in the tournament. One of ordinary skill in the art understands the amount wagered by a player is analogous to the total money inputted into the amusement gaming device.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

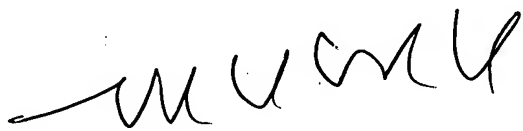
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael O'Neill whose telephone number is 703-308-3484. The examiner can normally be reached on Monday through Friday 8:30 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa J. Walberg can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3713

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MON



MICHAEL O'NEILL
PRIMARY EXAMINER